

CERTIFICATE OF ELECTRONIC TRANSMISSION

PATENT

Attorney Docket No.: 067425-5001-US

I hereby certify that this correspondence, including listed enclosures is being electronically transmitted in Portable Document Form (PDF) through EFS-Web via Hyper Text Transfer Protocol to the United States Patent and Trademark Office's Patent Electronic Business Center on:

Dated: December 23, 2008

Signed: Jennifer C. Black

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Mark D. Bednarski, *et al.*

Application No.: 10/681,855

Filed: October 7, 2003

For: X-NITRO COMPOUNDS,  
PHARMACEUTICAL COMPOSITIONS  
THEREOF AND USES THEREOF

Customer No.: 67374

Confirmation Number: 7135

Examiner: Anderson, James D.

Technology Center/Art Unit: 1614

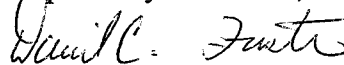
**NOTICE OF APPEAL**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated June 23, 2008 of the Primary Examiner finally rejecting claims 1,2,4-10,12-19,32 and 33. The Commissioner is authorized to charge the amount of \$270.00 to cover the Notice of Appeal fee, and any other fee, including extension fees, which may be required, or credit any overpayment to Deposit Account No. 50-0310 (Docket No.: 067425-5001-US).

Respectfully submitted,



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